

File No. **49,836** 15. Formation Code: Drainage Basin: **Bluff Creek** County: **SU** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files	
									Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy		
CHK	86109	NW SW NW	28	34S	3W	1	3370	4841	634	1800			NONE	
CHK	86110	NE NW NW	28	34S	3W	2	4966	4120	634	1800			NONE	
CHK	86111	SW SE SW	21	34S	3W	1	456	3529	634	1800			NONE	
CHK	86112	SW NE SW	21	34S	3W	2	1338	3351	634	1800			NONE	
CHK	86113	SW NE SW	21	34S	3W	3	1871	3537	634	1800			NONE	
CHK	86114	NE NE SW	21	34S	3W	4	2546	2938	634	1800			NONE	

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	68356	21	34s	3W	1					40	40	40	40	41	41	41	41	324	7A.	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 16, 2019

FROM: Brandon Milner

RE: Application, File No. 49,836

Darrel Subera filed the above referenced application to appropriate groundwater for irrigation use on May 4, 2017. The application was returned to the applicant on May 9th, 2017 asking that the applicant provide additional information. An additional letter was sent on March 22, 2018 giving a 60-day deadline to provide additional information. The applicant was provided additional extensions of time with the latest being until August 22, 2018. The application was not returned prior to this deadline, nor did the applicant request an extension of time.

The applicant failed to provide additional information about a new dam structure. The applicant in the application planned to create up to six different holding ponds for diverting a water source.

Based on the available information, that the application was not returned within the time allowed, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710.



Brandon Milner
Environmental Scientist
New Applications Unit

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 10, 2019

DARREL SUBERA
1060 W 150TH ST SOUTH
CALDWELL KS 67022-8043

FILE COPY

Re: Application, File No. 49,836

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,836 for failure to meet K.A.R. 5-3-1 b (g) which outlines that the applicant shall submit all information and data necessary to demonstrate that the application complies with the applicable regulations. Multiple letters were sent out requesting additional information on this application.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:bmm
Enclosures

pc: Stafford Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION FILE NO. 49,836

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on May 4, 2017, the Chief Engineer received an application from Darrel Subera for permit to appropriate surface water for beneficial use, assigned File No. 49,836, proposing the appropriation of 634 acre-feet of water to be stored in a series of reservoirs located on an unnamed tributary of Fall Creek, in Sections 21 and 28, Township 34 South, Range 3 West, Sumner County, Kansas, to be rediverted for irrigation use..
2. That in a letter dated May 9, 2017, the applicant was informed by the Division of Water Resources Structures Program that a stream obstruction permit would be required, and was supplied the necessary application form.
3. That in a letter dated March 22, 2018, the original appropriations application was returned to the applicant, and the applicant was provided a deadline of May 22, 2018, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the May 22, 2018 deadline, or within any authorized extension of time.
4. That the applicant requested and was provided extensions of time with the latest deadline being August 21, 2018.
5. That on August 21, 2018, the applicant returned the original appropriations application along with a structures application proposing two ponds.
6. That in a letter dated August 23, 2018, the applicant was informed by the Structures Program that additional information was necessary, and was provided a deadline of September 22, 2018 to submit the requested information.
7. That in a letter dated September 27, 2018, the applicant was notified via Certified Mail that the required information had not been received and the structures application was dismissed.
8. That in a letter dated January 28, 2019, the applicant was informed that the appropriations application would be denied and dismissed for failure to submit the necessary data and information and was provided until February 28, 2019 to either submit additional information or request additional time.

- 9. That the applicant has not submitted additional information for consideration, nor requested an extension of time, for Application File No. 49,836.
- 10. That the application should be dismissed and its priority forfeited as provided by K.A.R. 5-3-1b(g).

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,836, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 7th day of June, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 7th day of June, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 10th day of June, 2019, I hereby certify that the foregoing Dismissal of Application, File No. 49,836, dated June 7th, 2019 was mailed postage prepaid, first class, US mail to the following:

DARREL SUBERA
1060 W 150TH ST SOUTH
CALDWELL KS 67022-8043
With photocopies to:

Stafford Field Office

Division of Water Resources

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 28, 2019

FILE COPY

DARREL SUBERA
1060 W 150TH ST SOUTH
CALDWELL KS 67022-8043

RE: Water Appropriation Application
File No. 49,836

Dear Mr. Subera:

In a letter dated August 23, 2018, the Division of Water Resources (DWR) Water Structures Program notified you that additional permitting would be necessary in order to proceed with your project as proposed by the above referenced application to appropriate water. Enclosed is a copy of this letter for reference. As of this date, the DWR Structures Program hasn't received the information that was requested. In order for the processing of this application to continue, you must return the information requested by the DWR Structures Program.

In order to retain its priority of filing, requested information must be returned to this office on or before **February 28, 2019**, or within any authorized extension of time thereof. If you do not request more time, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,836 be denied and dismissed for failure to comply with K.A.R. 5-3-1b(g). Any relevant information submitted within the time allowed will be given due consideration, prior to final action.

If you have any questions, please contact me at 785-564-6631 or by email at Brandon.M.Milner@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Brandon Milner
Environmental Scientist
Water Appropriation Program

enclosures

pc: Stafford Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 27, 2018

CERTIFIED MAIL

Darrel Subera
1060 West 150th Street South
Caldwell, KS 67022-8043

Re: Application dismissed
WSN CSU-0091
WR 49836

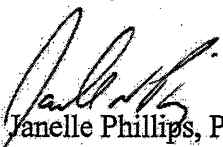
Dear Mr. Subera:

On August 23, 2018, the Division of Water Resources (DWR) informed you by letter that your application for two ponds for your water right application located in the NW quarter of Section 28 and the SW quarter, of Section 21 all in Township 34 South, Range 3 West of Sumner County, Kansas was incomplete. The deadline was September 22, 2018 to provide the required information to complete your application. To date we have not received the required information. The purpose of this letter is to inform you that your application has been dismissed.

This location is within the jurisdiction of Kansas Statute 82a-301 et al. and Kansas Statute 24-126. A permit is required to modify this stream at these locations.

If you have any questions, or if I can be of assistance, please contact me at 785-564-6656.

Sincerely,


Janelle Phillips, P.E.
Water Structures Program

Enclosures

cc: Kristen Baum – Water Rights Permits
Sumner County FPA

7015 3430 0000 2119 5111
 RTTS
 4172
 0000
 044E
 5101

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ **345**

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy)
 Return Receipt (electronic)
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ **47**

Total Postage and Fees \$ **(467)**

Sent to
 Street **Darrel Subera**
 City **1060 West 150th Street South**
Caldwell KS 67022-8043

Postmark: **SEP 03 2018**
 Post Office: **MANASSA TANK KS 66506**
SEP 03 2018
KSU PO

Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Darrel Subera <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Darrel Subera</p> <p>C. Date of Delivery 10-7-18</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: Darrel Subera 1060 West 150th Street South Caldwell KS 67022-8043</p>	<p>OCT 05 2018</p> <p>KS DEPT OF AGRICULTURE</p>
<p>2. Article Number (Transfer from service label) 7015 3430 0000 2119 5111</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500) <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>9590 9402 3656 7335 5375 24</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 23, 2018

Darrel Subera
1060 West 150th Street South
Caldwell, KS 67022-8043

Re: Permit determination
WSN CSU-0091
WR 49836

Dear Mr. Subera:

On August 22, 2018, the Division of Water Resources (DWR) received your application for two ponds for your water right application located in the NW quarter of Section 28 and the SW quarter, of Section 21 all in Township 34 South, Range 3 West of Sumner County, Kansas. Your application is incomplete. The plans received do not meet DWR requirements.

Based on the information provided with your application, our review indicates that the impoundment in Section 28 meets the criteria of a dam (K.S.A. 82a-301). The proposed impoundment shown is a height of more than 6 feet and impounds more than 50 acre-feet of water. **This dam must be designed by a licensed engineer and must meet the requirements outlined in K.A.R. 5-40.**

Based on the information provided with your application, our review indicates that the impoundment in Section 21 meets the criteria of a stream obstruction and floodplain fill (K.S.A. 82a-301 and K.S.A. 24-126). The following information is required to start the review of your application for the proposed pond in Section 21:

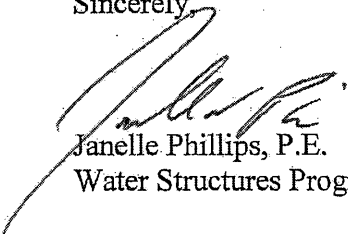
1. Detailed Plan view with required information per K.A.R. 5-42-1(a)(2) and K.A.R. 5-45-2 (b)
2. Profile of the streambed and both banks with the required information per K.A.R. 5-42-1 (a) (3)(A) and K.A.R. 5-45-2 (c)
3. Cross Section perpendicular to the stream and at intervals of no more than five times the width of the channel per K.A.R. 5-42-1(a)(3)(C)
4. An elevation view showing the obstruction on a cross section of the stream and the valley up to the post project design flood elevation at the site per K.A.R. 5-42-1 (a)(4)
5. A permanent benchmark located per K.A.R. 5-42-1 (a)(5) and K.A.R. 5-45-2 (e)
6. Topographical information upstream of the stream obstruction per K.A.R. 5-42-2 (b)
7. Construction specifications with the required information per K.A.R. 5-42-1(c & d) and K.A.R. 5-45-3

Please submit **all** the required information by September 22, 2018. If you fail to submit the required information within the time specified, your application will be dismissed and the application fee will be forfeited per K.A.R. 5-40-8 (d). Please note that additional information could be requested in the future.

This location is within the jurisdiction of Kansas Statute 82a-301 et al. and Kansas Statute 24-126. A permit is required to modify this stream at these locations. Attached to this letter are copies of K.A.R. 5-40, K.A.R. 5-42, and K.A.R. 5-45 for your information.

Please note that it may be necessary for you to also comply with other local, state or federal requirements for these proposed ponds. If you have any questions, or if I can be of assistance, please contact me at 785-564-6656.

Sincerely,



Janelle Phillips, P.E.
Water Structures Program

Enclosures

cc: Alex Whitesell – Water Rights Permits
Kristen Baum – Water Rights Permits
Sumner County FPA

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 20, 2018

FILE COPY

DARREL SUBERA
1060 WEST 150TH ST S
CALDWELL KS 67022-8043

Re: Pending Application,
File No. 49,836

Dear Mr. Subera:

In response to your request by in person meeting on July 19, 2018, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced file. The original application was returned to you on March 22, 2018, and with this extension of time, the revised deadline will be August 21, 2018. This will be your final extension.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information, including additional permitting from the Water Structures Program, on or before August 21, 2018, or within any authorized extension of time thereof. According to law, default in re-filing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Janelle Phillips

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 10, 2018

DARREL SUBERA
1060 WEST 150TH ST S
CALDWELL KS 67022

FILE COPY

Re: Pending Application,
File No. 49,836

Dear Sir or Madam:

The Division of Water Resources returned the above referenced application to you for additional information on March 22, 2018, and the current deadline for your response is July 22, 2018. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **July 22, 2018**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **July 22, 2018**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, **there is no guarantee that future requests for more time will be granted.**

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc:

SCANNED

STATE OF KANSAS



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

AGRICULTURE
MARK DRIVE
66502
564-6700
564-6777

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

June 18, 2018

DARREL SUBERA
1060 WEST 150TH ST S
CALDWELL KS 67022-8043

Re: Pending Application,
File No. 49,836

Dear Mr. Subera:

In response to your request by telephone on May 22, 2018, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. The original application was returned to you on March 22, 2018, and with this extension of time, the revised deadline will be **July 22, 2018**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 30 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, **there is no guarantee that future requests for more time will be granted.**

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **July 22, 2018**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc:

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

March 22, 2018

DARREL SUBERA
1060 WEST 150TH ST S
CALDWELL KS 67022-8043

RE: Water Appropriation Application
File No. 49,836

Dear Mr. Subera:

In a letter dated May 9, 2017, the Division of Water Resources (DWR) Water Structures Program notified you that additional permitting would be necessary in order to proceed with your project as proposed by the above referenced application to appropriate water. Enclosed is a copy of this letter for reference. As of this date, the DWR Structures Program hasn't received the information that was requested.

Your application to appropriate water is being returned to you at this time. In order for the processing of this application to continue, you must return it along with the information requested by the DWR Structures Program.

In order to retain its priority of filing, the original application and attachments must be returned to this office along with the requested information on or before **May 22, 2018**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures
pc:

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 9, 2017

Darrel Subera
1060 West 150th Street South
Caldwell, KS 67022-8043

Re: Permit determination
WSN CSU-0091
WR 49836

Dear Mr. Subera:

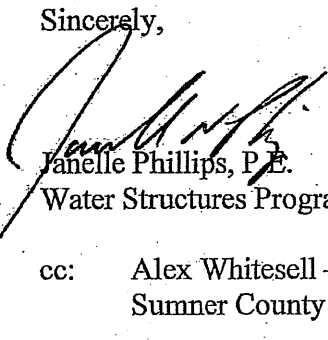
On May 8 2017, the Division of Water Resources (DWR) conducted a permit determination on stream channel modifications indicated in your water right application located in the NW quarter of Section 28 and the SW quarter, of Section 21 all in Township 34 South, Range 3 West of Sumner County, Kansas.

This location is within the jurisdiction of Kansas Statute 82a-301. Based on our review, we conclude that the channel change is subject to the provisions of DWR administrative regulations. A permit is required to modify this stream channel. Copies of the applicable statutes and regulations are available on our website. Please contact us if you want to receive copies of these documents by mail.

You are required to obtain an approved permit from DWR for this channel change. The application must meet the requirements of K.A.R. 5-41-1, including plans and supporting calculations. I have enclosed a copy of our application for your use. Please remit a completed application, fee payment, plans and specifications to start your application process.

Please note that it may be necessary for you to comply with other local, state or federal requirements. If you have any questions, or if I can be of assistance, please contact me at 785-564-6656.

Sincerely,



Janelle Phillips, P.E.
Water Structures Program

cc: Alex Whitesell – Water Rights Permits
Sumner County FPA



Application for Permit

K.S.A. 82a-301-305a Dams, Stream Obstructions and Channel Changes
K.S.A. 24-126 Levees and Floodplain Fills

Use this form to apply for a Division of Water Resources permit to construct or modify a dam, stream obstruction, channel change, levee or floodplain fill. Refer to K.A.R. 5-40 through 5-46 for requirements and definitions.

Send the completed application, worksheet (if applicable), required fees and plans and other materials listed in K.A.R. 5-40-1 through 5-43-5 or K.A.R. 5-45-1 through 5-45-18 to:

Kansas Department of Agriculture
Division of Water Resources – Water Structures
1320 Research Park Drive
Manhattan, KS 66502

Land Owner Information					
Owner Name:					
Mailing Address:					
City/State:		Zip Code:			
Telephone:		Email:			
Is the project or activity located entirely on property owned by the permit applicant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach a document listing the names and mailing addresses for all landowners located within the project.					
Applicant Information (if different than owner)					
Applicant Name:		Title:			
Mailing Address:					
City/State:		Zip Code:			
Telephone:		Email:			
Designer Information					
Firm/Agency:					
Contact Name:		Title:			
Mailing Address:					
City/State:		Zip Code:			
Telephone:		Email:			
Project Location and Description					
County:		Stream Name:			
Legal:	Qtr of the	Qtr of the	Qtr		
Section:		Township(S):			
Range(E/W):					
Project or site name:					
Project description and purpose:					
Drainage area above the project:		acres	square miles		
Area of disturbance (trees and/or vegetation)		acres	square miles		
For office use only		WSN:		ECA:	
Code	Fee \$	TR#	Rept Date	Check #	

Schedule		
Planned or actual start date (start of construction, clearing, excavation or fill)		
Planned or actual completion date (end of construction, stabilization of site)		
Construction, excavation and fill will be halted and the Kansas State Historical Society will be contacted when historical sites or artifacts are encountered.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Project Activities and Fee Determination		
Project Activity (check all that apply)	Permit Fee	
<input type="checkbox"/> Construct, modify or repair a dam	\$200	
<input type="checkbox"/> Construct, modify or repair a stream obstruction		
<input type="checkbox"/> Construct or repair a channel change		
<input type="checkbox"/> Excavate or dredge within the banklines of a stream		
Drainage area \leq 5 square miles <input type="checkbox"/>	\$100	
Drainage area between 5 and 50 square miles <input type="checkbox"/>	\$200	
Drainage area \geq 50 square miles <input type="checkbox"/>	\$500	
	Pre-construction	Post-construction
<input type="checkbox"/> Construct, modify or repair a class A levee (see K.A.R. 5-45-8 for definition)	\$100	\$200
<input type="checkbox"/> Construct, modify or repair a class B levee	\$300	\$600
<input type="checkbox"/> Construct, modify or repair a class C levee	\$500	\$1,000
<input type="checkbox"/> Place fill in a mapped floodway fringe (Zone AE with defined floodway)	\$100	\$200
<input type="checkbox"/> Place fill in a mapped floodplain with no defined floodway (Zone A, AH, AO)	\$300	\$600
<input type="checkbox"/> Place fill in an unmapped floodplain (see K.A.R. 5-45-1)	\$300	\$600
<input type="checkbox"/> Place fill in a mapped floodway (Zone AE floodway)	\$500	\$1,000
<input type="checkbox"/> This project qualifies for a General Permit (attach worksheet DWR 2-190) (pipeline/cable crossing, or bridge/culvert replacement)	\$100	
The total permit fee required will be the general permit fee if applicable, OR the highest individual fee for the project activities checked above. Make checks payable to Kansas Department of Agriculture	Amount enclosed:	
Signature		
Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, for the project described above. By signing below, I certify that the information contained in this application is true, correct and complete, and that I am the owner or I am authorized by the owner to make this application for permit.		
Signature:	Name (print or type):	
	Date:	

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,836
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

AUG 21 2018

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

MAY 04 2017

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

4:21p

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502

1. Name of Applicant (Please Print): Daniel Subera
Address: 1060 West 150th Street South
City: Caldwell State Kansas Zip Code 67022-8043
Telephone Number: (620)-845-0915

2. The source of water is: surface water in Tributary to Fall Creek
(stream)
OR groundwater in Bluff-Creek (Chikaskia)
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. Re-divert 634 AF @ 1800 gpm

3. The maximum quantity of water desired is _____ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:														
F.O. Code	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>FRZ</u>	Source	<u>G</u>	County	<u>8U</u>	By	<u>AW</u>	Date	<u>5/4/17</u>
Code	<u>RE3</u>	Fee \$	<u>380</u>	TR #		Receipt Date	<u>5/4/17</u>	Check #	<u>4096</u>					

SCANNED
5/8/17 DW

#5 SW NE SW 21-34-3W 1871'N + 3537'W

#6 NE NE SW 21-34-3W 2546'N + 2938'W

File No. _____

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

#1 (A) One in the NW quarter of the SW quarter of the NW quarter of Section 28, more particularly described as being near a point 3370 feet North and 4841 feet West of the Southeast corner of said section, in Township 34 South, Range 3 East/West (circle one), Sumner County, Kansas.

#2 (B) One in the NE quarter of the NW quarter of the NW quarter of Section 28, more particularly described as being near a point 4966 feet North and 4120 feet West of the Southeast corner of said section, in Township 34 South, Range 3 East/West (circle one), Sumner County, Kansas.

#3 (C) One in the SW quarter of the SE quarter of the SW quarter of Section 21, more particularly described as being near a point 456 feet North and 3529 feet West of the Southeast corner of said section, in Township 34 South, Range 3 East/West (circle one), Sumner County, Kansas.

#4 (D) One in the SW quarter of the NE quarter of the SW quarter of Section 21, more particularly described as being near a point 1338 feet North and 3351 feet West of the Southeast corner of said section, in Township 34 South, Range 3 East/West (circle one), Sumner County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2017, Warrel Subera
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 6 Ponds (up to 8 ponds)
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) _____
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be _____
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

~~(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.~~

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

AUG 21 2018

MAY 04 2017

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Topeka, Kansas, this 26th day of April, 2017
(month) (year)

Warrel Subera
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

49836

WATER RESOURCES RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Darrel Subera

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Darrel Subera
 ADDRESS: 1060 West 150th Street South
Caldwell, Kansas 67022-8043

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	34	3W								40	40	40	40	41	41	41	41	324	
28	34	3W					41	41	41	41								164	

488 acres

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

WATER RESOURCES RECEIVED

AUG 21 2018

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %	_____	_____

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

49836

WATER RESOURCES
RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE

NW 1/4 section 21 range 34 South 3 West (161 acres)

Leroy Honorka Trust

1580 S Ryan Rd
Caldwell, KS 67022

NE 1/4 section 21 range 34 South 3 West

North 1/2 Julie Wilkey

(82 acres)

1035 W 140th St S
Caldwell

Mailing:
8933 Serce Dr
Haysville 67060

South 1/2 2 odd misc

(83 acres)

1321 SHWY 78
Wylie, Tx 75098

Mailing
address

NE 1/4 of NE 1/4 section 29 range 34 South 3 West (167 acres)

Jennifer Brown Trust

1541 S Ryan Rd
Caldwell

→ SE 1/4 section 29 ^{TWP-34 Range 30} ~~range~~ 34 South 3 West (189 acres)

CJTA Prop LP

16358

1595 S Ryan Rd
Caldwell

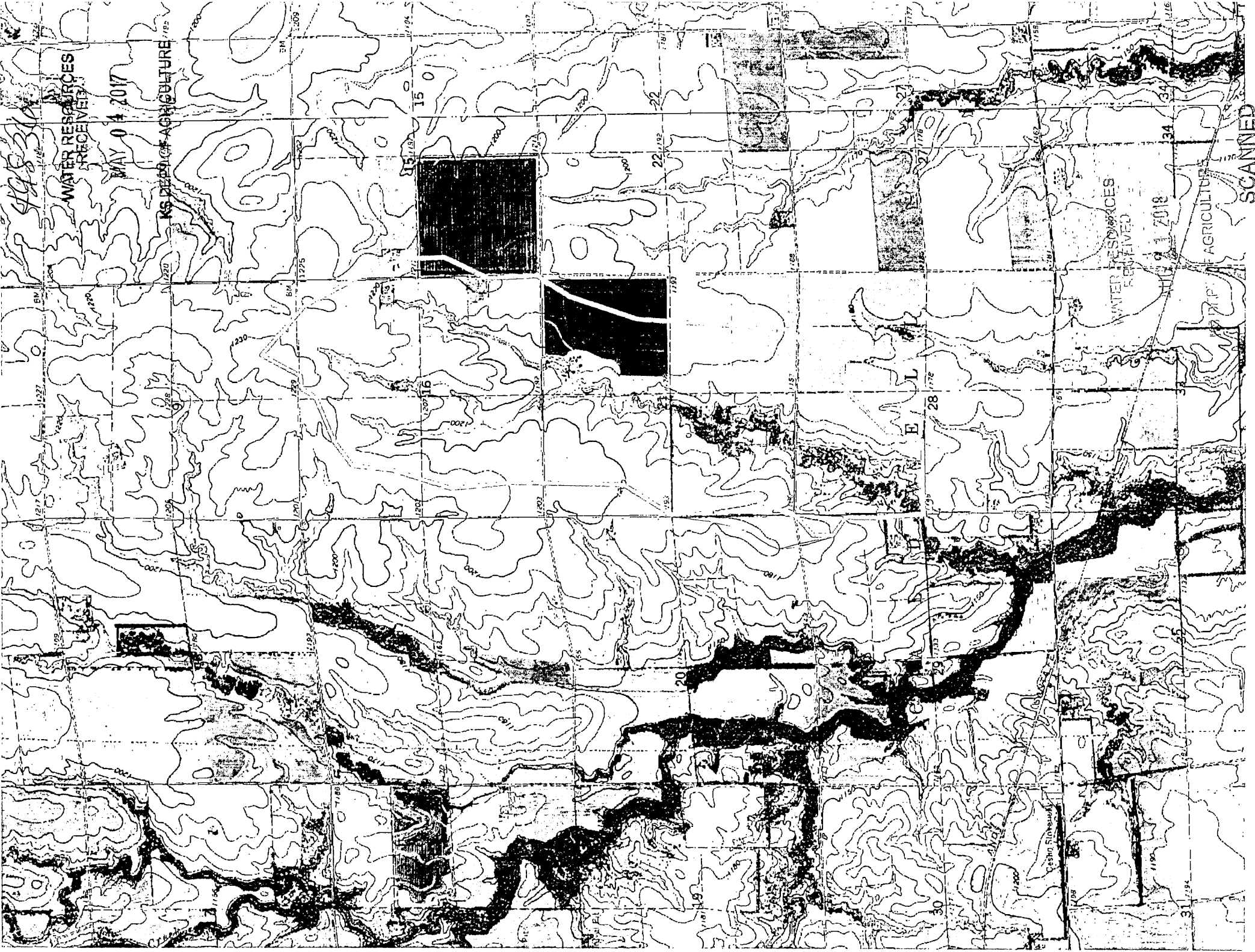
Attn: Ables, Anita Sue
PO Box 2933
Kilgore, Tx 75663

WATER RESOURCES
RECEIVED

AUG 21 2018

KS DEPT OF AGRICULTURE

SCANNED



WATER RESOURCES RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE

E L

WATER RESOURCES RECEIVED

JUL 11 2018

AGRICULTURE

SCANNED

MAY 04 2017

FEE SCHEDULE

KS DEPT OF AGRICULTURE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

AUG 21 2018

49836

April 27, 2017
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

David Subera
Signature of Applicant

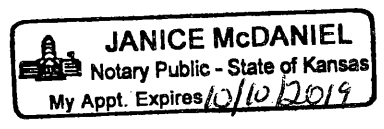
State of Kansas)
County of Sumner) ss

David Subera
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 27th day of April, 20 17.

Janice McDaniel
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

MAY 04 2017

AUG 21 2018

KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

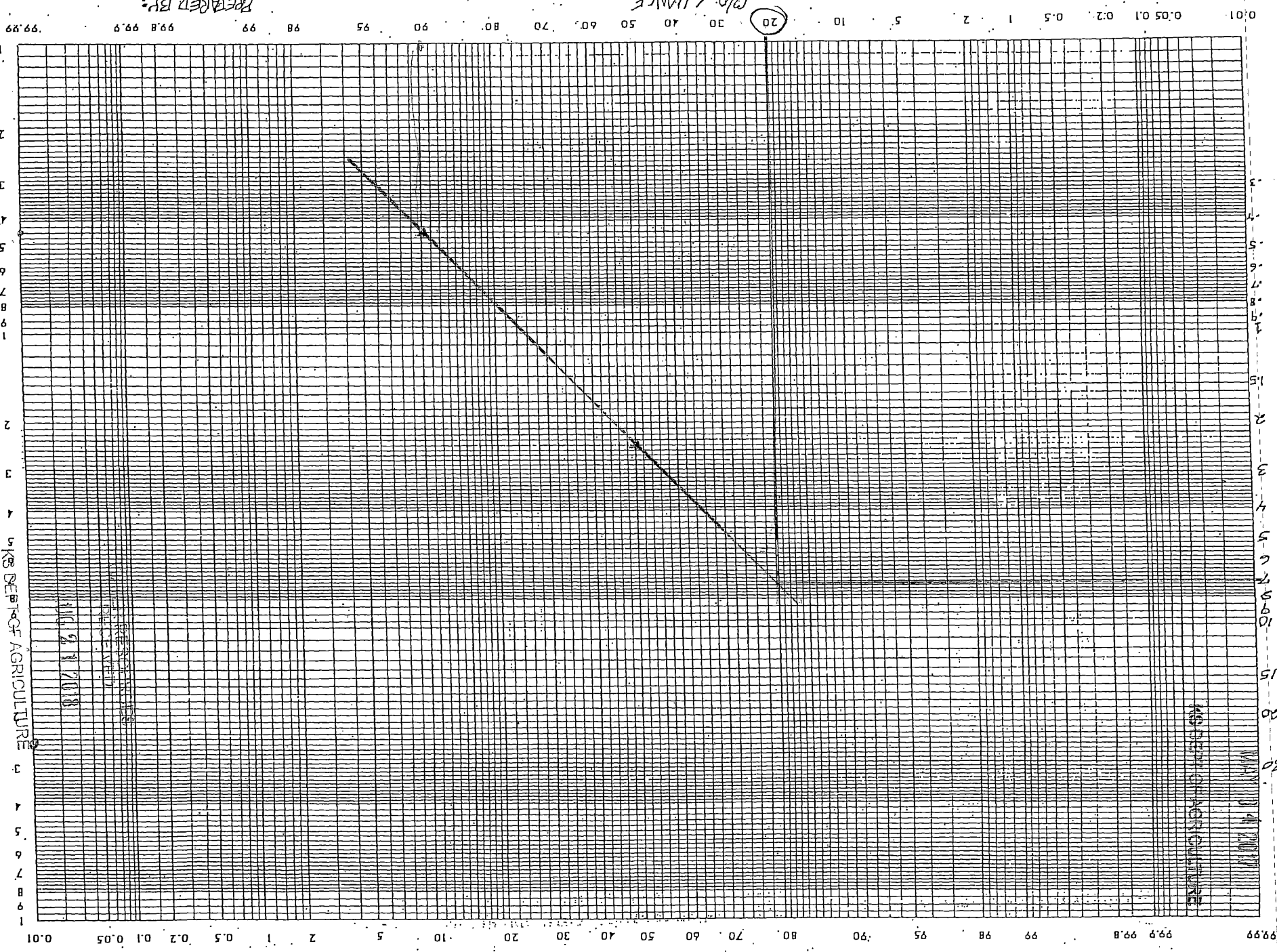
The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

SCANNED

Probability (Long-axis) by 3 Cycle Log



PREPARED BY:

OLD CHANCE

20

FILE NO: _____
 SOIL: "76" PRECIP: 31"
 1280 ACRES IN DRAINAGE x 7" = 8960" / 12" = 747 AF OF RUNOFF (20% CHANCE ANNUALLY)
 11" FALLES RUNOFF LAKE

WATER RESOURCES RECEIVED

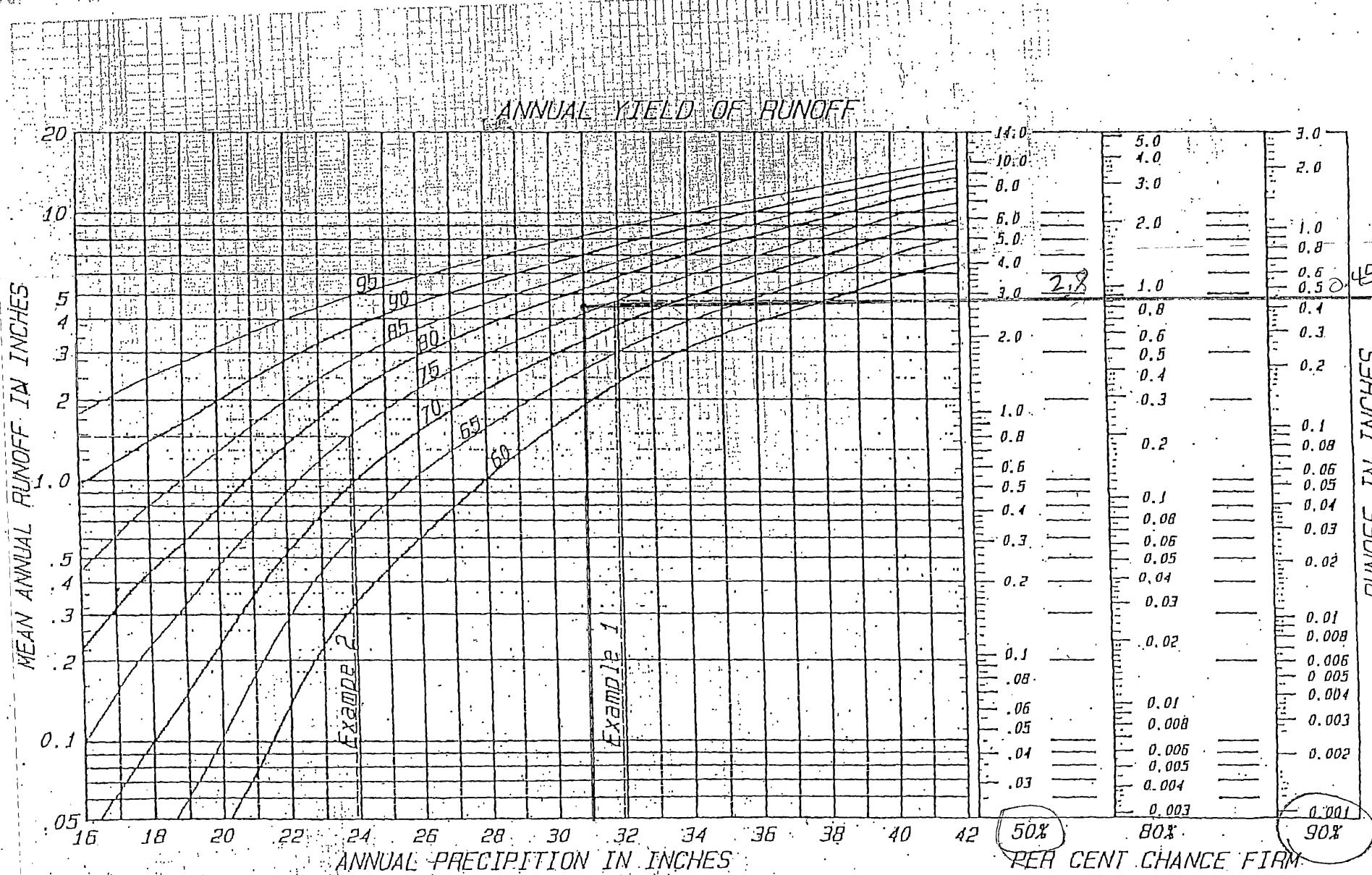
49836

222

UNIVERSITY OF MISSISSIPPI

COOPERATED FROM VARIOUS SOURCES

EFM Notice KS-38, 12/12/91



5

RUNOFF IN INCHES

KS-2-36

K.A.R. 5-6-4(XI)

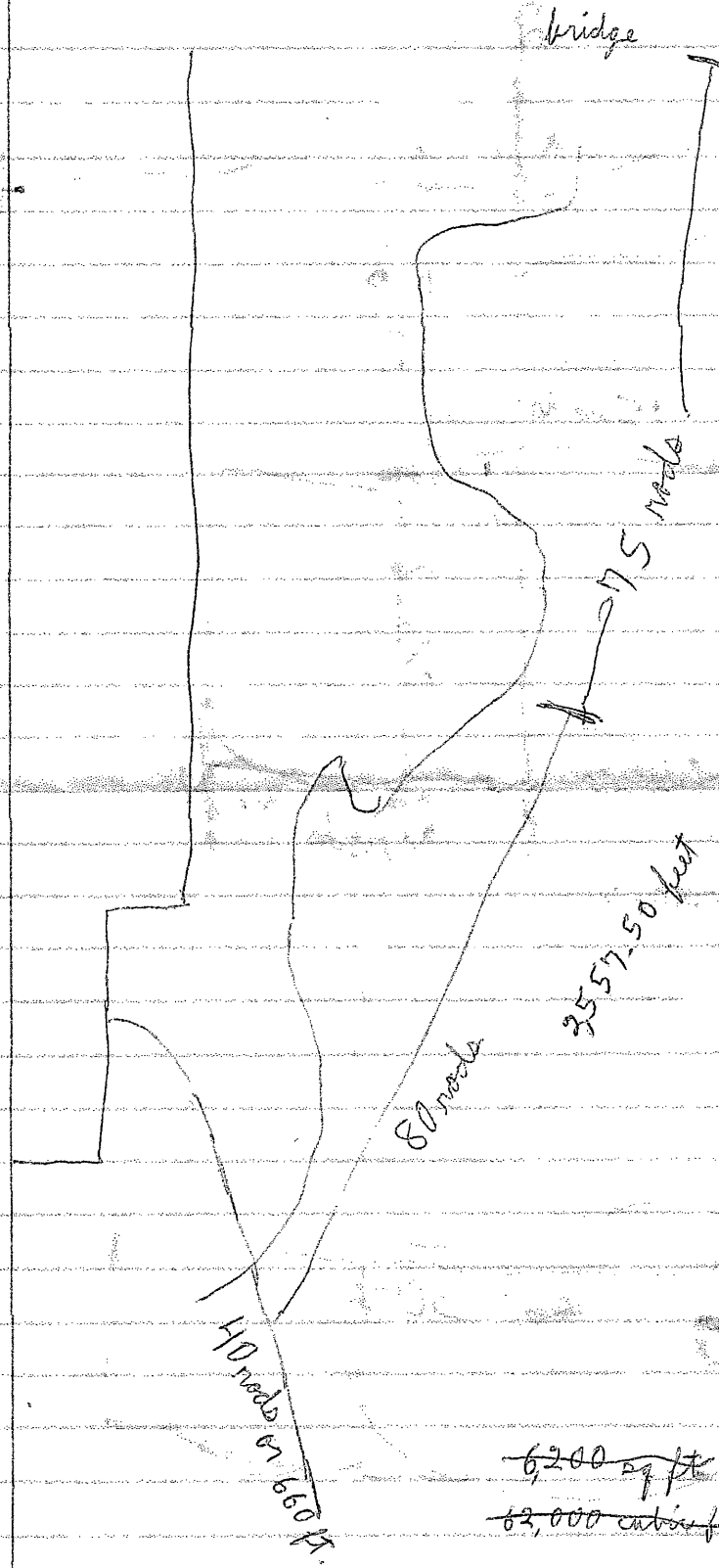
United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

49836

WATER RESOURCES RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE



1,728 cubic inches per cubic foot

7.48 gallons per cubic foot

~~6,200 sq ft~~

~~62,000 cubic feet~~

16,879,500 cubic feet
126,267,428.6 gallons

WATER RESOURCES RECEIVED

AUG 21 2018

KS DEPT OF AGRICULTURE

SCANNED

70 rods

20 rods

15 rods

20 rods

28 rods

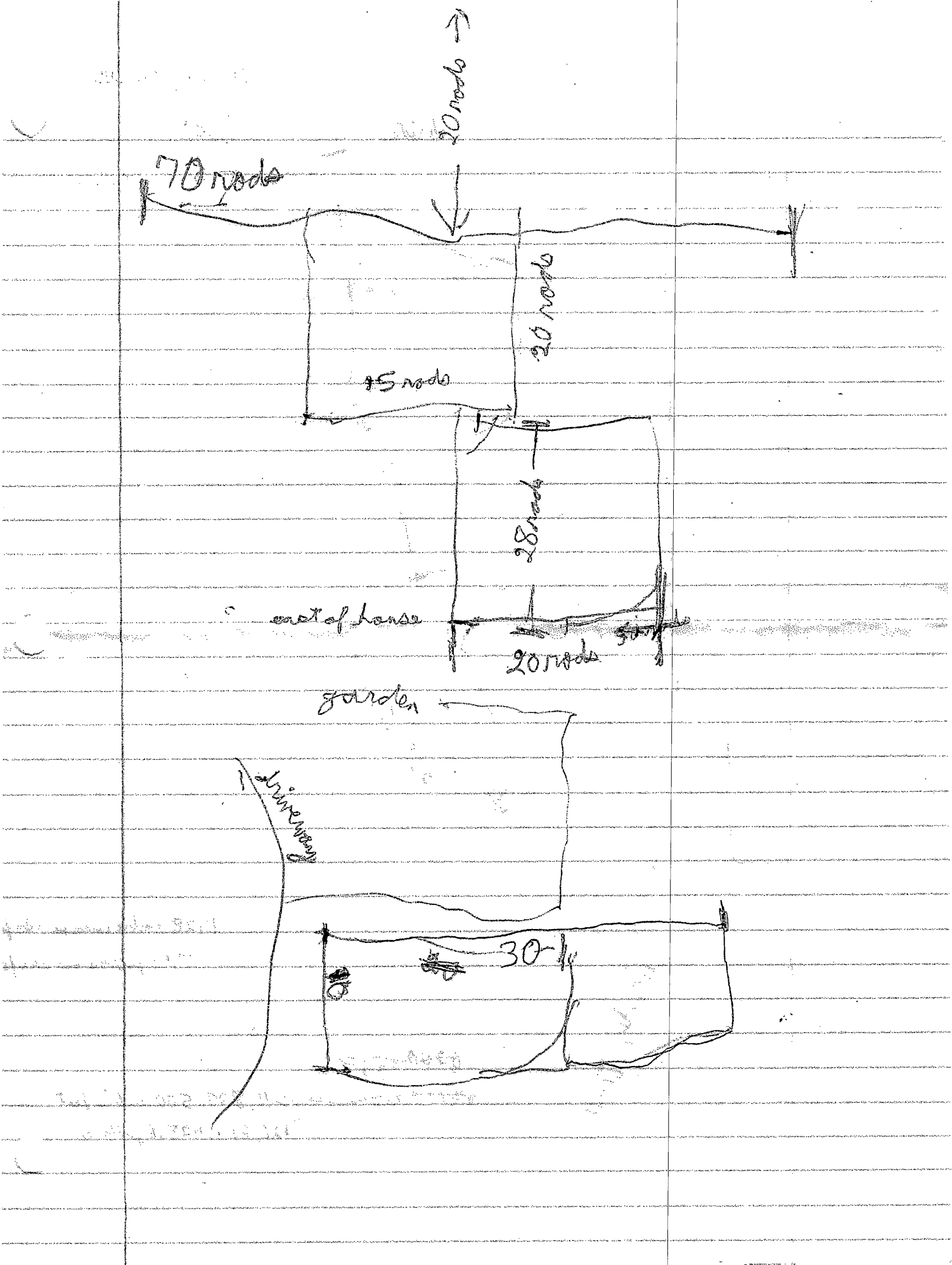
east of house

20 rods

garden

driveway

30 rods



49836



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

May 5, 2017

DARREL SUBERA
1060 W 150TH STREET SOUTH
CALDWELL KS 67022

FILE COPY

RE: Application
File No. 49836

Dear Sir or Madam:

Your application for permit to appropriate water in 28-34S-3W in Sumner County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

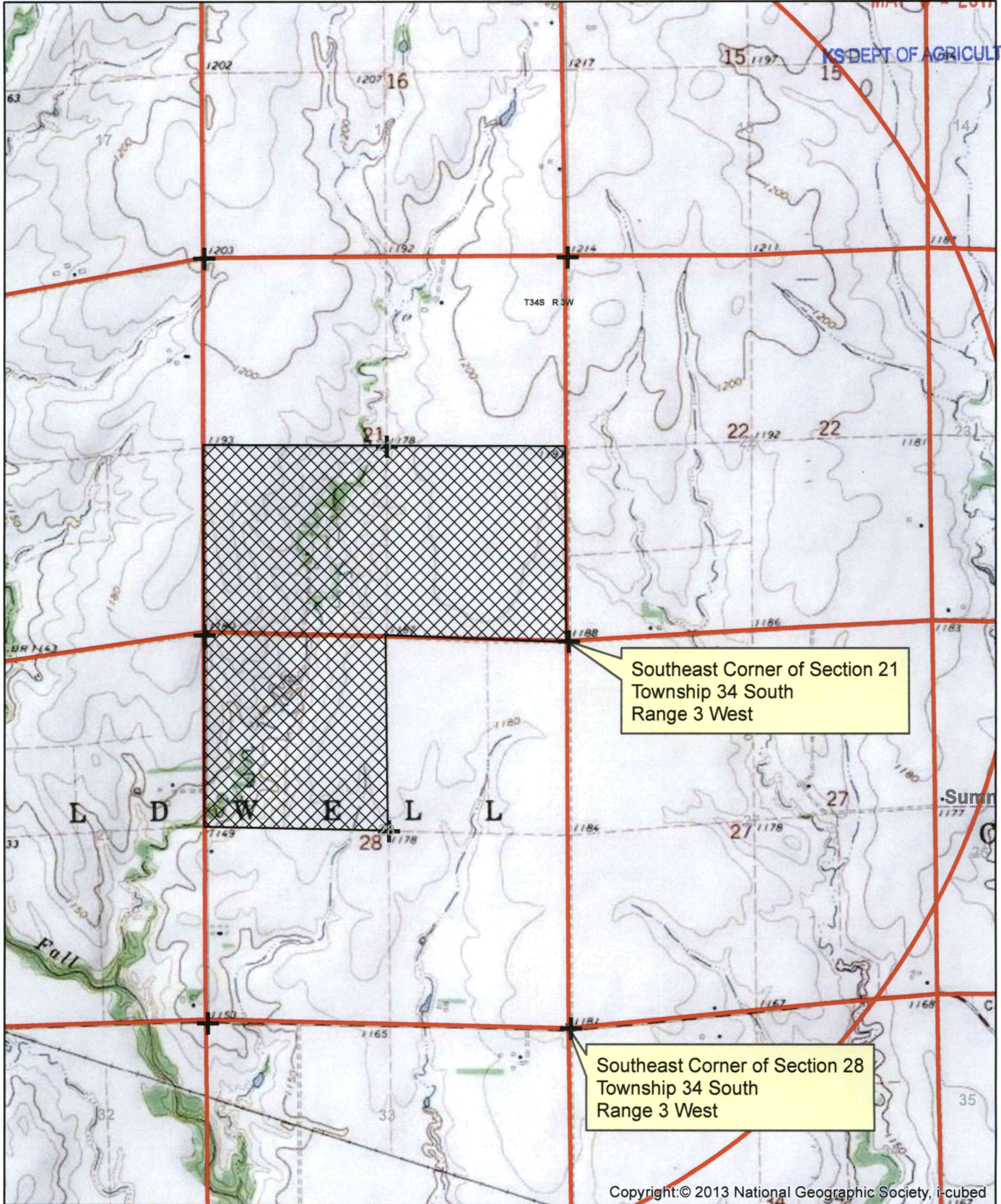
DARREL SUBERA
 Sections 21 and 28, Township 34 South, Range 3 West
 Sumner County

49836

WATER RESOURCES
 RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE



Copyright: © 2013 National Geographic Society, i-cubed

WATER RESOURCES
 RECEIVED



Proposed Place of Use

● Proposed Point of Diversion

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

AUG 21 2018

KS DEPT OF AGRICULTURE

See attached list Darrel Subera

1:24,000

1" = 2,000'

SCANNED

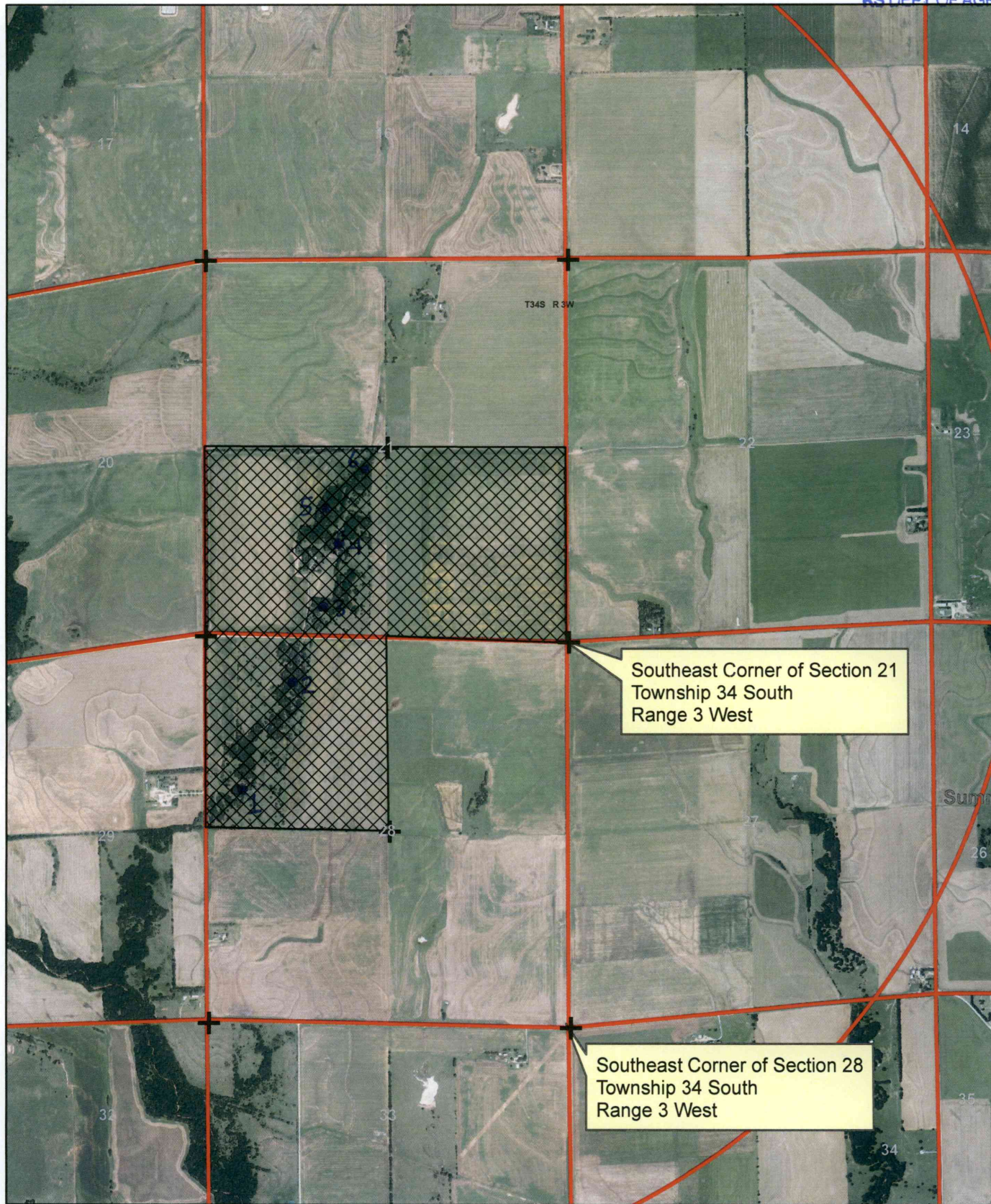
DARREL SUBERA
Sections 21 and 28, Township 34 South, Range 3 West
Sumner County

49834

WATER RESOURCES RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE



Southeast Corner of Section 21
Township 34 South
Range 3 West

Southeast Corner of Section 28
Township 34 South
Range 3 West



Proposed Place of Use



Proposed Point of Diversion

WATER RESOURCES RECEIVED

AUG 21 2018

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.



1:24,000

KS DEPT OF AGRICULTURE

SCANNED

49836

NEW STREAM WORKSHEET

ES AW

Date: 5/5/17

File No. 49,836

Basin Name: Bluff Creek (Chikaskia) Basin No. 49

Stream Name: Fall Creek (Bluff Cr Ch)
Trib 1

Stream location (confluence with parent stream):

Section ~~33~~ 29, Township 34 South, Range 3 W (East)

Map Color Coding:

Basin Stream - Blue

Named Main Stream off Basin Stream - Yellow

Named Stream off Main Stream - Green

Unnamed Trib (1, 2, 3, 4, etc.) - Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) - Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) - Purple

Stream No. 3917 (computer assigned - entered by data entry staff)

Date Entered 5/8/17 By DW

